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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 **RESIGHINI RANCHERIA, FRANK**
15 **DOWD, and GARY DOWD,**

1:11-cv-6710-EMC

16 Plaintiffs,

17 v.

**STIPULATION AND [PROPOSED]
ORDER REGARDING DISPOSITIVE
MOTIONS AND HEARING DATES**

18 **CHARLTON H. BONHAM, individually**
19 **and in his official capacity as Director of the**
California Department of Fish and Game,

Judge: Edward M. Chen
Trial Date TBD

20 Defendant.

Action Filed: Dec. 29, 2011

21 **RECITALS**

22 WHEREAS on February 8, 2012, the parties stipulated that Defendant's responsive
23 pleading would be due March 23, 2010.

24 WHEREAS on or about February 15, 2012, Defendant's counsel informed Plaintiffs'
25 counsel that Defendant would be filing a motion to dismiss Plaintiffs' complaint for lack of
26 jurisdiction.

WHEREAS on March 19, 2012, Plaintiffs' counsel informed counsel for Defendant that Plaintiffs intended to file a motion for summary judgment, and wanted the motion for summary judgment to be heard at the same time as Defendant's motion to dismiss.

WHEREAS, counsel for Defendant asked Plaintiffs' counsel either to hold off filing their motion for summary judgment, or agree to a stay of the briefing schedule on that motion until Defendant's motion to dismiss was resolved by the court, so that Defendants would not have to prepare an opposition to Plaintiffs' summary judgment motion unless Defendant's motion to dismiss was denied.

WHEREAS, Plaintiffs' counsel would not agree to Defendant's request, but agreed to the following stipulation, providing Defendants the opportunity to bring a motion before the Court to hold Plaintiffs' summary judgment motion in abeyance, staying further briefing on that motion, until Defendant's motion to dismiss was resolved, and providing for alternative briefing schedules based on the outcome of Defendant's abeyance motion.

STIPULATION

The parties hereby stipulate as follows:

1. Defendants' motion to dismiss and Plaintiffs' motion for summary judgment shall be filed on or before March 30, 2012;
2. Defendants motion to hold Plaintiffs' motion for summary judgment in abeyance shall be filed on or before April 3, 2012;
3. Plaintiffs' opposition to Defendant's motion to hold Plaintiffs' motion for summary judgment in abeyance is due April 10, 2012, on or before 1:00 p.m.;
4. Defendant's reply in support of his motion to hold Plaintiffs' motion for summary judgment in abeyance is due April 13, 2012;
5. Defendant's motion to hold Plaintiffs' motion for summary judgment in abeyance will be heard on April 27, 2012, at 1:30 p.m.;

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6. If the Court grants Defendant's motion to hold Plaintiffs' motion for summary judgment in abeyance, Plaintiffs' opposition to Defendant's motion to dismiss will be due May 23, 2012; Defendant's reply will be due June 1, 2012; and the motion to dismiss will be heard June 15, 22 2012, at 1:30 p.m. If Defendant's motion to dismiss is denied, the parties shall meet and confer at that time to set a briefing schedule and hearing date on Plaintiffs' motion for summary judgment.

7. If the Court denies Defendant's motion to hold Plaintiffs' motion for summary judgment in abeyance, both motions will be heard on June, 15, 22 2012, at 1:30 p.m. Oppositions to both motions will be due May 23, 2012, and replies will be due June 1, 2012.

8. This stipulation is not intended to preclude any party from seeking modification of this briefing schedule from the Court.

Dated: March 27, 2012

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
ROBERT BYRNE
Supervising Deputy Attorney General

/s/ CECILIA L. DENNIS

CECILIA L. DENNIS
Deputy Attorney General
Attorneys for Defendant

Dated: March 27, 2012

APPROVED:

LAW OFFICES OF RAPPOR AND
MARSTON

/s/ LESTER J. MARSTON [as authorized]

LESTER J. MARSTON
*Attorneys for Plaintiffs Resighini Rancheria,
Frank Dowd, and Gary Dowd*

IT IS SO ORDERED. (as modified above)

DATE: 4/3/12

SF2012401101

